

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED  
CLERK'S OFFICE

**DOCKET NO. 1456**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-21)**

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 31 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck  
Clerk of the Panel

**SCHEDULE CTO-21 - TAG-ALONG ACTIONS  
DOCKET NO. 1456**

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE  
LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
NEW YORK NORTHERN	
NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.
NEW YORK WESTERN	
NYW 1 05-214	County of Chautauqua v. Abbott of Laboratories, Inc., et al.
NYW 1 05-236	County of Allegany v. Abbott Laboratories, Inc., et al.
NYW 1 05-256	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
<del>NYW 1 05-259</del>	<del>County of Erie v. Abbott Laboratories, Inc., et al.</del> Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.4] (Albany)**  
**CIVIL DOCKET FOR CASE #: 1:05-cv-00425-GLS-RFT**

County of Albany v. Abbott Laboratories, Inc. et al  
Assigned to: Judge Gary L. Sharpe  
Referred to: Magistrate Judge Randolph F. Treece  
Cause: 42:1396 - Tort Negligence

Date Filed: 04/06/2005  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**County of Albany**

represented by **Aaron D. Hovan**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email: ahovan@kmslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joanne M. Cicala**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email: jcicala@kmslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Roger W. Kirby**  
Kirby, McInerney Law Firm  
830 Third Avenue  
New York, NY 10022  
212-371-6600  
Fax: 212-751-2540  
Email: iramirez@kmslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Abbott Laboratories, Inc.**

**Defendant**

**Alcon Laboratories, Inc.**

**Defendant**

**Allergan, Inc.**

**Defendant**

**Alpharma, Inc.**

**Defendant**

**Amgen, Inc.**

**Defendant**

**Andrx Corp.**

**Defendant**

**Astrazeneca Pharmaceuticals L.P.**

**Defendant**

**Aventis Pharmaceuticals Inc.**

**Defendant**

**Barr Laboratories, Inc.**

**Defendant**

**Baxter Healthcare Corporation**

**Defendant**

**Baxter International, Inc.**

**Defendant**

**Bayer Corporation**

**Defendant**

**Berlex Laboratories, Inc.**

**Defendant**

**Biogen Idec, Inc.**

**Defendant**

**Biovail Pharmaceuticals, Inc.**

**Defendant**

**Bristol-Myers Squibb Company**

**Defendant**

**Ben Venue Laboratories, Inc.**

**Defendant**

**Boehringer Ingelheim Corp.**

**Defendant**

**Boehringer Ingelheim  
Pharmaceuticals, Inc.**

**Defendant**

**Roxane Laboratories, Inc.**

**Defendant**

**Dermik Laboratories, Inc.**

**Defendant**

**Dey, Inc.**

**Defendant**

**Eisai, Inc.**

**Defendant**

**Eli Lilly and Company**

**Defendant**

**Endo Pharmaceuticals, Inc.**

**Defendant**

**Ethex Corp.**

**Defendant**

**Forest Laboratories, Inc.**

**Defendant**

**Forest Pharmaceuticals, Inc.**

**Defendant**

**Fujisawa Healthcare, Inc.**

**Defendant**

**Fujisawa USA, Inc.**

**Defendant**

**Genentech, Inc.**

**Defendant**

**Genzyme Corp.**

**Defendant**

**Gilead Sciences, Inc.**

**Defendant**

**Glaxosmithkline, P.L.C.**

**Defendant**

**Hoffman-La Roche, Inc.**

**Defendant**

**Immunex Corp.**

**Defendant**

**Ivax Corp.**

**Defendant**

**Ivax Pharmaceuticals, Inc.**

**Defendant**

**Janssen Pharmaceutica Products, LP**

**Defendant**

**Johnson & Johnson**

**Defendant**

**King Pharmaceuticals, Inc.**

**Defendant**

**McNeil-PPC, Inc.**

**Defendant**

**Monarch Pharmaceuticals, Inc.**

**Defendant**

**Medimmune, Inc.**

**Defendant**

**Merck & Co., Inc.**

**Defendant**

**Mylan Laboratories, Inc.**

**Defendant**

**Mylan Pharmaceuticals, Inc.**

**Defendant**

**Novartis Pharmaceuticals Corp.**

**Defendant**

**Novo Nordisk Pharmaceuticals, Inc.**

**Defendant**

**Oncology Therapeutics Network  
Corp.**

**Defendant**

**Ortho Biotech Products LP**

**Defendant**

**Ortho-McNeil Pharmaceutical, Inc.**

**Defendant**

**Organon Pharmaceuticals USA, Inc.**

**Defendant**

**Par Pharmaceutical, Inc.**

**Defendant**

**Pfizer, Inc.**

**Defendant**

**Pharmacia Corporation**

**Defendant**

**Purdue Pharma, L.P.**

**Defendant**

**Purepac Pharmaceutical Co.**

**Defendant**

**Reliant Pharmaceuticals**

**Defendant**

**Roche Laboratories, Inc.**

**Defendant**

**Sandoz, Inc.**

**Defendant**

**Sanofi-Synthelabo, Inc.**

**Defendant**

**Schering-Plough Corp.**

**Defendant**

**Schering Corporation**

**Defendant**

**Smithklinebeecham Corp.**

*doing business as*  
Glaxosmithkline

**Defendant**

**Serono, Inc.**

**Defendant**

**Takeda Pharmaceuticals North America, Inc.**

**Defendant**

**Tap Pharmaceutical Products, Inc.**

**Defendant**

**Teva Pharmaceutical USA, Inc.**

**Defendant**

**UCB Pharma, Inc.**

**Defendant**

**UDL Laboratories, Inc.**

**Defendant**

**Warrick Pharmaceuticals Corp.**

**Defendant**

**Watson Pharma, Inc.**

**Defendant**

**Watson Pharmaceuticals, Inc.**

**Defendant**

**Wyeth**

**Defendant****Agouron Pharmaceuticals, Inc.****Defendant****Greenstone, Ltd.**

Date Filed	#	Docket Text
04/06/2005	<u>1</u>	COMPLAINT against Amgen, Inc., Andrx Corp., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Abbott Laboratories, Inc., Smithklinebeechnam Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Alcon Laboratories, Inc., Watson Pharmaceuticals, Inc., Wyeth, Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Allergan, Inc., Alpharma, Inc. ( Filing fee \$ 250 receipt number ALB000675) filed by County of Albany. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(wbl, ) (Entered: 04/08/2005)
04/06/2005		Summons Issued as to Amgen, Inc., Andrx Corp., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals Inc., Barr Laboratories, Inc., Baxter Healthcare Corporation, Baxter International, Inc., Bayer Corporation, Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Bristol-Myers Squibb Company, Ben Venue Laboratories, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Roxane Laboratories, Inc., Dermik Laboratories,

		Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Gilead Sciences, Inc., Glaxosmithkline, P.L.C., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., Monarch Pharmaceuticals, Inc., Medimmune, Inc., Merck & Co., Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Organon Pharmaceuticals USA, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering-Plough Corp., Schering Corporation, Abbott Laboratories, Inc., Smithklinebeecham Corp., Serono, Inc., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Alcon Laboratories, Inc., Watson Pharmaceuticals, Inc., Wyeth, Agouron Pharmaceuticals, Inc., Greenstone, Ltd., Allergan, Inc., Alpharma, Inc.. (wbl, ) (Entered: 04/08/2005)
04/06/2005	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 8/10/2005 10:30 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 8/1/2005. (wbl, ) (Entered: 04/08/2005)
05/13/2005	<u>3</u>	Letter from Aaron Hovan, outside counsel for County of Albany requesting Adjournment of Deadlines. (Hovan, Aaron) (Entered: 05/13/2005)
05/16/2005	<u>4</u>	TEXT ORDER: Plaintiff's attorney advises the Court that this case, among others, may be subject to Multidistrict Litigation with the District of Massachusetts. Dkt. No. <u>3</u> Letter Request filed by County of Albany. Inasmuch as this case will be transferred to the District of Massachusetts, this Court adjourns the scheduled Rule 16 conference without date, and awaits an order from the Clerk of the Court for the District of Massachusetts officially transferring this case from this District Court to the District of Massachusetts. SO ORDERED. Signed by Judge Randolph F. Treece on 5/16/05. (Treece, Randolph) (Entered: 05/16/2005)
05/16/2005	<u>5</u>	NOTICE of filing of conditional transfer order (filed with MDL panel on 5/12/05; 15 day objection period still in effect). (wjk, ) (Entered: 05/17/2005)

<b>Transaction Receipt</b>			
06/07/2005 15:56:45			
<b>PACER Login:</b>	us2510	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-00425-GLS-RFT
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32